

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

ASTROPOWER LIQUIDATING TRUST,
f/k/a ASTROPOWER, INC.,

Plaintiff,

v.

KPMG, LLP,

Defendant.

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Civil Action No. 06-469 (JJF)

**JOINT MOTION TO ENLARGE TIME FOR PLAINTIFF TO RESPOND
TO DEFENDANT KPMG LLP'S MOTION TO DISMISS AND FOR DEFENDANT TO
REPLY TO PLAINTIFF'S RESPONSE TO DEFENDANT'S MOTION TO DISMISS**

Pursuant to Federal Rule of Civil Procedure 6(b), Plaintiff AstroPower Liquidating Trust, f/k/a AstroPower, Inc. ("Plaintiff") and Defendant KPMG LLP ("Defendant") move the Court to enlarge the time for Plaintiff to respond to Defendant KPMG LLP's Motion to Dismiss (Defendant's "Motion to Dismiss") and for Defendant to reply to Plaintiff's Response to Defendant's Motion to Dismiss.

**I.
REQUESTED RELIEF**

Plaintiff filed its Complaint on July 31, 2006. Plaintiff filed its Amended Complaint and Jury Demand on October 10, 2006. Thereafter, the Plaintiff agreed to give Defendant until December 12, 2006 to file its responsive pleading. On December 12, 2006, Defendant filed its Motion to Dismiss. Under the applicable local rules and by this Court's Order, Plaintiff's Response to Defendant's Motion to Dismiss was due January 2, 2007, however, on Plaintiff's motion, the Court extended the deadline for Plaintiff to respond to Defendant's Motion to Dismiss to February 9, 2007.

Plaintiff and Defendant (the "Parties") hereby request that the Court extend the deadline for Plaintiff to respond to Defendant's Motion to Dismiss one additional week to February 16, 2007. The Parties further request that the Court extend the deadline for Defendant to reply to Plaintiff's Response to Defendant's Motion to Dismiss until March 13, 2007. These extensions are not sought for purposes of delay or to prejudice any party, but rather so that justice may be done.

II.
CONCLUSION

For the foregoing reason, the Parties request that the Court extend the deadline for Plaintiff to file its Response to Defendant KPMG LLP's Motion to Dismiss from February 9, 2007 until February 16, 2007. The Parties further request that the Court extend the deadline for Defendant to reply to Plaintiff's Response to Defendant's Motion to Dismiss until March 13, 2007.

Respectfully submitted,

/s/ Kerri K. Mumford

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- AND -

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CERTIFICATE OF CONFERENCE

I, David Mizgala hereby certify that on this 6th day of February 2007, I conferred with Michael D. Warden, counsel for Defendant KPMG, LLP, who stated that he was agreeable to extending the deadline for Plaintiff to file its Response to Defendant KPMG LLP's Motion to Dismiss from February 9, 2007 until February 16, 2007. I further certify that I advised Mr. Warden that Plaintiff was agreeable to extending the deadline for Defendant to Reply to Plaintiff's Response to Defendant's Motion to Dismiss until March 13, 2007.

/s/ David Mizgala

David Mizgala

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ORDER

The Court, having considered the Joint Motion to Enlarge Time for Plaintiff to Respond to Defendant KPMG LLP's Motion to Dismiss and for Defendant to Reply to Plaintiff's Response to Defendant's Motion to Dismiss, finds that the Motion has merit and should be GRANTED.

IT IS THEREFORE ORDERED this ____ day of _____ 2007 that the deadline for Plaintiff to respond to Defendant's Motion to Dismiss is extended from February 9, 2007 until February 16, 2007.

IT IS FURTHER ORDER that the deadline for Defendant to reply to Plaintiff's Response to Defendant's Motion to Dismiss is extended until March 13, 2007.

The Honorable Joseph J. Farnan, Jr.
United States District Court Judge

AGREED TO BY:

/s/ Kerri K. Mumford

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CERTIFICATE OF SERVICE

I, Kerri K. Mumford, hereby certify that on this 6th day of February 2007, I caused a true and correct copy of the Parties' *Joint Motion to Enlarge Time for Plaintiff to Respond to Defendant KPMG LLP's Motion to Dismiss and for Defendant to Reply to Plaintiff's Response to Defendant's Motion to Dismiss* to be filed with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

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I further certify that I have served the parties listed on the service list below in the manner indicated:

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